IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No. 36 of 2007

1. Shri Mahadeo Pundlik Zagade
2. Shri Prakash Laxmanrao Bhoite
3. Shri Ramchandra Laxmanrao Bharane
4. Shri Bhagwan @ Bhagwat Pandharinath Ghule
5. Shri Maruti Mansing Nimbalkar Applicants

Vs.

State of Maharashtra Respondent

Mr.R.S.Kate for applicants.
Mr.Y.S.Shinde, APP for State.

CORAM: B.H.MARLAPALLE,J.

January 17, 2007.

P.C.

. Heard the learned counsel for the applicants who are impleaded as accused in C.R. No.7 of 2006 for the offences punishable under Sections 417, 465, 467, 468, 472, 473, 474(A) of IPC and apprehending arrest they had applied for anticipatory bail by filing Criminal Application No.434 of 2006. The learned Ad-hoc Addl. Sessions Judge at Baramati was pleased to reject the said application on 4/1/2007. Hence, this application for anticipatory bail. By the order dated 10/1/2007 ad-interim protection was granted.

. The complaint filed by Shri Nandkumar Lalasaheb Nimbalkar and registered as C.C.No.111/06 before the learned Judicial Magistrate First Class at Indapur set out the main accused as accused no.1 and subsequently it is alleged that accused nos.2 to 6 have connived with and consented for the acts of accused no.1 thereby defrauding the Society i.e. Shri Chatrapati Secondary and Higher Secondary Credit Society, Bhavaninagar, Taluka Indapur, Dist. Pune. The learned Ad-hoc Addl. Sessions Judge also noted the complainant's contentions that the applicants played some role in the fraud and they helped accused - Vikas in committing the fraud against the Society. Said Vikas withdrew some amount from the Society by making some manipulations and interpolations in the cash book entries and amount as well as the resolutions. Such entries were signed by one of the applicants viz. Chairman who was holding said post at the relevant time.

. There is no dispute that the accused no.1 who is alleged to have played the leading role, has been released on bail on 24/12/2006 by the learned Judicial Magistrate, First Class and the applicants

are praying to be released on anticipatory bail on parity and more so when they are only alleged to have connived with the main accused.

. It appears all the documents have already been seized whereas the learned APP has been instructed by the I.O. that some documents are missing from the office of the Society. Whether these missing documents were in the custody of the Secretary or some other officer of the Society is an issue which will have to be addressed to during the course of investigation. The applicants are the permanent residents of different villages in Indapur taluka and they have undertaken to remain present before the Investigating Officer on every day so as to assist him in completing the investigation at the earliest possible and further undertake to submit the record, if any, in possession of any of them concerning to the affairs of the said Credit Co-operative Society. There is no dispute that the applicants are teachers in the Zilla Parishad schools.

. Hence this application succeeds and it is directed that in the event of the arrest of the applicants or any one of them, they / he shall be

released on bail on furnishing PR bond for the sum of Rs.5,000/- each with one solvent surety in the like amount for each of the applicants on the condition that they shall report to the Walchandnagar police station on all working days between 6 p.m. to 8 p.m. and on Sundays between 9 a.m. to 1 p.m. for a period of four weeks or till the investigation is competed, whichever is earlier.

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